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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/864,456	KAKU, TOSHIHIKO	
	Examiner	Art Unit	
	Joshua Bullock	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 June 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-45 and 47-102* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-45 and 47-102* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *05/31/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to amendments, arguments, and remarks filed on June 21, 2007, in which claims 1-2, 4-45, & 47-102 are presented for further examination.

2. Claims 1, 43, & 78 have been amended.

3. Claims 1-2, 4-45, & 47-102 are rejected.

Response to Arguments

4. Applicant's arguments, filed June 21, 2007, with respect to the rejection(s) of claim(s) 1, 43, & 78 under Moezzi et al. (US Patent No. 5,850,352) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Evans et al. (US Patent No. 5,946,444). See Office Action below.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-2, 4-9, 11-17, 20-28, 36-45, 47-57, 60-69, 71-75, 77-98, & 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moezzi et al. (US Patent

No. 5,850,352), hereinafter referred to as Moezzi, in view of Evans et al. (US Patent No. 5,946,444), hereinafter referred to as Evans.

As to Claims 1, 43, & 78, Moezzi teaches a system which including 'an image distributing system for distributing an image having a target character' [see Abstract, fig 1a, fig 17, col 9, lines 10-14], image distributing system corresponds to Moezzi fig 1a, fig 17

'a character information obtaining unit for capturing a first image of the target character and obtaining character information of the target character' [fig 1a-1c, fig 6, col 36, line 1-3,], Moezzi teaches capturing images of the target for example as detailed in fig 1a-1c;

'a camera system for capturing plurality of images including a second image having at least the target character' [fig 1a-1c, fig 6a-6d, fig 17], camera system for capturing images corresponds to multiple cameras connected to the central graphics and visualization station, further it is noted that Moezzi specifically suggests for example images and photographs are stored in local computer system and/or in a storage server as detailed in fig 17, furthermore it is noted that Moezzi suggests video system includes a knowledge database containing information about the scene or images [col 10, line 64-67]

'an image database communicating with said camera system for receiving and storing said plurality of images as image data' [col 10, line 64-67, col 11, line 9-14],

Moezzi specifically suggests database containing data regarding "real-world scene", shapes, objects as detailed in col 11, line 9-11]

'an image collecting unit for setting a selecting condition set by a user, and for automatically selecting image data among said plurality of said image data stored in said image database by identifying the target character according to character information thus obtained for distributing the second image including the target character' [col 11, line 14-25, line 26-27, line 37-42], Moezzi suggests for example viewer/user interface that allows to select specific scene or specify a criteria or multiple criteria to view images or scene as detailed in col 11, line 37-42, it is further noted that Moezzi specifically teaches multiple cameras at a sporting event that allows to identify target characters and distributing to the system [col 11, line 26-27] ; it is further noted that Moezzi specifically teaches firstly "user interface" i.e. viewer/user of the scene uses this interface to specify a "criterion, or several criteria" that corresponds to setting a selecting condition set by a user [col 11, line 37-40]; 'selecting condition is a condition for selecting a specific characteristic of the target character' [col 10, line 57-63, col 11, line 42-47], Moezzi specifically teaches user establishes specific "criteria" for selecting specific image(s) from the video images as detailed in col 11, line 44-47.

'an image selecting terminal displaying a list of images collected by said image collecting unit to the user so that said list of images are capable of being selected by the user' [col 18, line 56-61], Moezzi specifically teaches interactive viewing of a scene, that allows users to select specific scene of both real and artificial virtual, nature as detailed col 18, line 56-61;

'an output processing unit outputting the images selected by the user from said list of images as displayed to at least one of a plurality of a medium appointed by the user' [col 15, line 31-36, fig 1a-1c, 6a-6d], Moezzi specifically teaches "output" device for example video display that receives video image of the scene[s] that satisfy the viewer/user-specific criterion as detailed in col 15, line 31-36, therefore, medium appointed by the user corresponds to Moezzi's "video display", furthermore, Moezzi also specifically suggests other interactive video and television system such as MPI where video is recorded in "Video CD" [col 3, line 32, line 63-64].

Moezzi does not explicitly disclose, "a character positioning unit for obtaining a time when the target character passes a predetermined point; and an object speed detecting unit for calculating a speed of the target character based on a distance between two points and a time for the target character to pass the two points; wherein the image collecting unit searches only images captured in a predetermined period of time and in a moving area which is calculated based on the time when the target character passes the predetermined point and the speed of the target character."

However, Evans teaches "a character positioning unit for obtaining a time when the target character passes a predetermined point". Evans teaches (column 4, lines 12-15) a control system which supplies information to the reporting system regarding the time a guest came within range of a tag reader. These tag readers (column 1, lines 62-64) provide information regarding identification and location of guests. Thus the control system of Evans is a "character positioning unit" which indicates or "obtains" the time when a guest or "target character" passes a predetermined point. The tag readers

identify target characters in a particular location, wherein this particular location is a strategic predetermined point (column 2, lines 30-32).

Evans further teaches "an object speed detecting unit for calculating a speed of the target character based on a distance between two points and a time for the target character to pass the two points". Evans teaches (column 3, lines 4-12) that tag readers are activated when a guest or "target character" is within a specified range or location, wherein it is apparent that the range is located between two points. Tag readers are capable of determining the time when target characters are within and outside of a predetermined location (column 4, lines 12-15, column 1, lines 62-64). Thus, since speed is calculated by the time a guest is within a specific range, the tag readers are apparently object speed detecting units.

Evans teaches "the image collecting unit searches only images captured in a predetermined period of time and in a moving area which is calculated based on the time when the target character passes the predetermined point and the speed of the target character". Evans teaches (column 3, lines 24-30) an auxiliary trigger for control of timing of images taken, further (column 3, lines 40-50) image storage which identifies target characters, the location, and the timing supplied by the control system, for selection and sequencing or "search" of images.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of Evans into the system of Moezzi. One of ordinary skill in the art would be motivated to provide a system and method for creating personalized image collection from multiple locations to provide a satisfying still image

or video recollection for all individuals and their acquaintances of choice for future amusement and entertainment.

As to Claim 2, the limitation of this claim has been noted in the above rejection of claim 1. In addition, Moezzi discloses 'transmitting image data from said camera system to said image database' [fig 17, col 38, line 51-55].

As to Claim 4, the limitation of this claim has been noted in the above rejection of claim 3. In addition, Moezzi discloses "capturing an image of the user who is to select images" [col 9, line 50-52].

As to Claim 5, 48-49 the limitation of this claim has been noted in the above rejection of Claim 4. In addition, Moezzi discloses 'verifying the user who is to select images based on the character information' [col 10, line 18-23].

As to Claim 6 & 47, the limitation of this claim has been noted in the above rejection of claim 3. In addition, Moezzi discloses 'image selecting terminal distributes the image data of said images selected by the user' [col 10, line 57-63].

As to Claim 7-8, 44, & 50, the limitation of this claim has been noted in the above rejection of Claim 1. In addition, Moezzi discloses 'outputting unit outputting the

image data of said images collected by said image collecting unit' [see fig 1a-1c, fig 6a-6d].

As to Claim 9, the limitation of this claim has been noted in the above rejection of Claim 7. In addition, Moezzi discloses 'image selecting terminal transmits to said outputting unit image selection information representing which images are selected by the user' [col 18, line 56-61].

As to Claim 11 & 53-54, the limitation of this claim has been noted in the above rejection of Claim 1. In addition, Moezzi discloses 'wherein the character information includes data about at least one of a facial characteristic, body characteristic, and characteristic of wearing apparel of the target character' [see fig 10, fig 13a-13c, 14,14a], further Moezzi also discloses 'storing data bout at least one of a facial characteristic, body characteristic, and characteristic of wearing apparel of the target character as the character information' [col 40, line 5-9].

As to Claim 12-13, 20-21, 24, 45, 51, 57, 61, & 67, the limitations of these claims have been noted in the above rejection of Claim 1. In addition, Moezzi discloses 'camera system includes a plurality of cameras located within a predetermined area' [see fig 1a-1c,, col 20, line 44-49], plurality of cameras corresponds to Moezzi's camera 1 thru camera 6 as detailed in fig 1a.

As to claim 14, the limitation of this claim has been noted in the above rejection of claim 1. In addition, Moezzi discloses 'wherein said character information obtaining unit imports an image of the target character to a character information database as the character information of the target character' [col 23, line 13-18].

As to Claim 15, 22, 52, & 62, Moezzi teaches a system which including 'character information obtaining unit has a plurality of cameras for capturing character information' [see fig 1a-1d, col 11, line 26-29], 'said character information obtaining unit imports a plurality of images of the target character captured from plurality of cameras' [col 12, line 49-53], Moezzi also teaches 'images captured from the plurality of angles, said images having the target character stored in said image database' col 16, line 26-33, col 17, line 50-53], Moezzi specifically suggests video cameras are capable of shooting various angles to capture the dynamic images or view of the scenes as detailed in col 16, line 26-33.

As to Claim 16 & 55, the limitation of this claim has been noted in the above rejection of Claim 1. In addition, Moezzi discloses 'updates previously obtained character information with newly obtained character information for the target character' [col 19, lines 59-61].

As to Claims 17, 26, 56, & 66, the limitation of this claim has been noted in-the above rejection, in addition, Moezzi discloses 'character information includes a

registration of data of refusal to be imaged by a person, and said image collecting unit does not collect images when at least one character in an image is a person who refuses to be imaged' [col 16, line 45-53].

As to claim 23 & 63, Moezzi discloses 'camera system includes a camera group including a plurality of cameras [fig la-ld], plurality of cameras corresponds to camera 1 through camera 6, each camera of said plurality of cameras captures an image of a character such that the character is imaged at a plurality of different time periods by said plurality of cameras' [col 19, line 3-10];

'wherein when the character in an image captured by one of said plurality of cameras in said camera group is identified as the target character [fig la-id], said character identifying unit identifies the same character in other images captured by other of said plurality of cameras in said camera group as the target character' [col 19, line 11-15].

As to Claim 25 & 65, Moezzi discloses 'image collecting unit saves only images data with the target character to said image database' [col 10, line 64-67].

As to claim 27, 36, & 68, Moezzi discloses 'timing detecting unit for detecting a timing to capture an image with the target character' [col 25, line 21-29];

'wherein said camera a system captures said plurality of images with the target character when said timing detecting unit detects said timing for capturing said plurality of images' [col 27, line 35-40].

As to claim 28, 69, & 71, Moezzi discloses 'timing detecting unit detects, based on position information about a plurality of characters, said timing for capturing an image when said plurality of characters are at a predetermined position' [col 27, line 35-48].

As to claim 37, the limitation of this claim has been noted in the above rejection, in addition, Moezzi discloses 'timing detecting unit detects that both the target character and an object for attracting attention of the target character are in a predetermined range to be captured in an image' [col 19, line 3-10].

As to claim 38 & 72, Moezzi discloses 'camera system transmits the image data to said image database substantially at predetermined time intervals' [col 39, line 1-13].

As to Claim 39, 41, 73, & 75, Moezzi teaches a system which including 'image database substantially at predetermined time intervals' [col 33, line 7-16].

As to claim 40 & 74, Moezzi discloses 'camera system transmits the image data to said image database when a predetermined number of images are stored in the camera system' [col 24, line 48-53].

As to Claim 42 & 77, Moezzi discloses 'the system is structured and arranged in an amusement part' [col 17, line 46-50].

As to Claim 60 & 64, Moezzi discloses 'when a person is caught in a plurality of images, and when said step of identifying the target character identifies a person as the target character in one of the plurality of images, said step of identifying also identifies the person in the other of the plurality of images as the target character [see fig 1a-1c, fig 3].

As to Claim 79, Moezzi discloses 'a character information database for storing said character information of the target character obtained in said character information obtaining unit' [col 11, line 9-14], 'image collecting unit said character information from said character information database for identifying the target character' [col 11, line 14-20].

As to claim 80, Moezzi discloses 'wherein a character ID is allocated to the target character when said character information obtains said character information from the target character.

As to Claim 81, Moezzi discloses 'character information obtaining unit obtains said character information of the target character from the first image after said camera system captures said plurality of images including said second image' [col 11, line 58-62], Moezzi teaches multiple two -dimensional video images of the scene information of the target, further Moezzi also teaches user has the ability to choose images for example user specific criteria from the viewer interface as detailed in col 11, line 61-62 'image distributing system further comprising, an image screen unit for checking if the target character is caught in said plurality of images captured in said camera system for storing said second image' [col 11, line 65-67, col 12, line 1-3].

As to Claim 82-83, Moezzi discloses 'registering character information for the target character is performed after said capturing the plurality of images is performed' [col 12, line 9-17].

As to Claim 84, Moezzi discloses ' detecting a characteristic sound to capture an image with the target character and capturing the image with the target character when the characteristic sound is detected' [see Abstract, col 12, line 27-31, col 20, line 5-6], Moezzi specifically teaches digital, video camera system, has the capability for recording, and playing both audio and video signals, therefore, Moezzi has the ability to capture not only image [see fig 1a-1c, fig 3], but related sound along with the image [col 20, line 5-6].

As to Claims 85-86, Moezzi discloses 'target character is a person shown in the image' fig 1a-1c, fig 3, & fig 7].

As to claim 87-89, Moezzi teaches 'camera system captures said plurality of said images' [fig 4], Moezzi especially disclosed multiple video camera s to capture images and/or moving objects from various angels, and frames as detailed in fig 4.

As to claim 90-92, Moezzi discloses 'character information represents a characteristic of the target character' [col 20, line 13-17, fig 1a-1c, fig 3, fig 7].

As to claim 93-95, Moezzi discloses 'wherein said selecting conditions to select images with only the user or to select images with the user and other characters' [col 17, line 50-59].

As to claim 96-98, Moezzi discloses 'wherein said medium is a physical photographic medium' [col 10, line 65-67, col 11, line 1-3, line 9-11].

As to claim 102, Moezzi discloses, 'wherein the specific characteristic relates to a particular person' [col 21, line 32-34, fig 4].

7. Claims 10, 18-19, 29-35, 58-59, 70, 76, & 99-101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moezzi (US Patent No. 5,850,352) & Evans (US Patent No. 5,946,444) as applied to claims 1, 43, & 78 above, and further in view of Narayen et al. (US Patent No. 6,035,323), hereinafter referred to as Narayen.

As to Claim 10 & 76, the limitation of this claim has been noted in the above rejection of Claim 7. In addition, Moezzi discloses 'outputting unit includes at least one distributing the collected images [fig 17], further Moezzi also suggests storage server and remote transmission [col 46, line 52-54]. It is however, noted that Moezzi & Evans do not specifically teach "CD-R recorder, an MD recorder, a web server for distributing the collected images via the Internet, means for sending E-mail'. On the other hand, Narayen discloses "CD-R recorder, an MD recorder [col 8, line 12-14], a web server for distributing the collected images via the Internet [fig 2, element 109], means for sending E-mail'[col 4, line 39-41].

It would have been obvious to one of the ordinary skill in the art at the time of Applicant's invention to utilize the teachings of Narayen et al. into video hypermosaicing and image collecting to generate from multiple video views of a scene of Moezzi et al. and Evans because all are directed to image collection, and processing [see Moezzi: fig 1a-1c,fig 17; Evans: column 1, lines 49-57; Narayen: fig 2, fig 4, col 6, line 28-34].

One of the ordinary skill in the art at the time of applicant's invention to utilize the teachings of Narayen into video hypermosaicing and image collecting to

generate from multiple video views of a scene of Moezzi and Evans because that would have allowed users of Moezzi and Evans to distribute or publish images from the digital camera or other digital acquisition devices such as detailed in fig 2, over a network including internet as suggested by Narayen [fig 2, col 2, line 28-31], bringing the advantages of publish this media container with its digital media onto the Internet [col 7, line 28-32], thus improving the quality and reliability of the system.

As to claim 18-19 & 58-59, Narayen discloses 'camera system includes at least one camera that is movable and said mobile camera has a wireless transmitter' [col 5, line 13-15, line 36-40, fig 2-3].

As to claim 29 & 70, Narayen discloses 'prompting a person in a predetermined area to carry a transmitter for transmitting radio waves' [col 5, line 36-40]; 'wherein said timing detecting unit includes a receiver for receiving the radio waves, and said timing detecting unit determines a distance between said transmitter [col 5, line 56-64] and said receiver based on the radio waves transmitted from said transmitter, and detects said timing for capturing an image when the distance is determined to be a predetermined distance' [col 6, line 31-36].

As to claim 30, Narayen discloses 'transmitter includes one of the ID card and cellular phone' [col 5, line 6-15].

As to claim 31 & 35, Narayen discloses 'radio waves transmitted and received between said transmitter and said receiver include the character information' [col 5, line 13-14].

As to claim 32, Moezzi discloses 'image collecting unit identifies the target character substantially at the time when an image is captured by said camera system' [fig 1a-1c, col 24, line 44-48].

As to claim 33, Moezzi discloses 'prompting a person prompts a person who refuses to be imaged to carry a transmitter' [col 16, line 45-53].

As to claim 34, Moezzi discloses image collecting unit identifies the target character' [col 17, line 46-50], 'at least one person in said image is identified as the target character' [col 17, line 50-53]. 'target character as a person who refuses to be imaged substantially at the time an image is captured by same camera system, target character who refuses to be imaged, said image collecting unit does not collect images with the target character who refuses to be imaged' [col 16, line 45-53].

As to claim 99-101, Moezzi suggests "user interface", particularly displaying "video images" [Moezzi: col 15, line 31-35]. On the other hand, Narayen discloses specifically digital image input device connected to the I/O devices [see Narayen: fig 3], further output device may be either displaying unit or physically storage unit for example

disks [Narayen: col 5, line 51-53, 60-61], therefore, printing on physical paper is integral part of Narayen because output unit would have been printer; it is noted that one of the output device being "printer" [see col 5, line 52-53].

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Bullock whose telephone number is 571-270-1395. The examiner can normally be reached on 7:30am-5pm EST M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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09/06/2007

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